




KASIM REED  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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CHARLETTA WILSON JACKS  
DIRECTOR  
Office of Planning

**MEMORANDUM**

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** Z-14-57 for 3218 West Shadowlawn Avenue, N.E.

**DATE:** November 13, 2014

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A request to rezone property from the **RG-3 (Residential General-Sector 3)** district to the **R-4 (Single Family Residential)** district. No development is proposed for the property.

**FINDINGS OF FACT:**

- property location: The subject property fronts approximately 60 feet on the west side of West Shadowlawn Avenue approximately 135 feet southwest of the southwest intersection of West Shadowlawn Avenue and Mathieson Place in the Buckhead Forrest neighborhood of NPU-B, Council District 7.
- property size and physical features: The subject property with approximately 60 feet of frontage and approximately 12,578 square feet is a rectangular shaped lot developed with a one story single family residence. The driveway located to the west of the residence provides vehicular access to the property. The front yard topography is level and begins to slopes down at the front façade of the dwelling to the rear of the structure becoming relatively level in the rear yard.
- CDP land use map designation: The property is designated as Medium Density Residential
- current/past use of property: The subject property is developed with a single family structure and Staff is unaware of any other previous use on this property.
- surrounding zoning/land uses: The subject property is adjacent on the east to a parcel zoned RG-3 (Residential General-Sector 3) that is also developed with a single family dwelling. To the west and north, across West Shadowlawn Avenue, property is zoned R-4 (Single Family Residential). The subject property is also adjacent to property zoned SPI-9 SA3 (Special Public Interest-9 Subarea 3) along its rear property line.
- transportation system: West Shadowlawn is a local street and to the east is Peachtree Road a major five lane north/south arterial. MARTA bus route 110 serves the area and provides access to the Lenox transit station as well as the Five Points and Arts Center transit stations. Sidewalks are found along West Shadowlawn Avenue.

## CONCLUSIONS:

**(1) Compatibility with comprehensive development plan (CDP); timing of development:**

The proposed zoning classification is compatible with the City of Atlanta's Comprehensive Development Plan which designates the property as Medium Density Residential.

There are no public projects or programs with which the timing of the rezoning would conflict.

**(2) Availability of and effect of public facilities and services; referral to other agencies:**

Since the area has been a long established neighborhood, water and sewage facilities serving the property are assumed to be adequate for the proposed development.

The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

**(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses:**

The zoning regulations indicate that this consideration is optional. The immediate area is developed for single family residential purposes therefore the rezoning should not negatively impact the balance of land uses in the area.

**(4) Effect on character of the neighborhood:** The rezoning of the subject property to R-4 zoning classification will not have a negative effect on the surrounding neighborhood or any adverse influences as immediate area is zoned the same.

**(5) Suitability of proposed land use:** No change in land use is proposed as the zoning category requested is compatible with the existing land use designation of Medium Density Residential.

**(6) Effect on adjacent property:** Staff is of the opinion that the proposed request to rezone the subject property to R-4 (Single-Family Residential) would be compatible with the existing built environment.

**(7) Economic use of current zoning:** The subject property has economic value as currently zoned. The rezoning of this property to the single family residential district of R-4 is not anticipated to impact the economic use of the subject property.

**(8) Tree Preservation:** This proposed rezoning should not have any impact on the tree ordinance. Should the property owners redevelop the property, the property owners would be required to comply with the City of Atlanta Tree Ordinance.

## STAFF RECOMMENDATION: APPROVAL



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**CHARLETTA WILSON JACKS**  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** Z-14-60 for 514, 516, 520 and 526 East Paces Ferry Road, N.E. and 3081 and 3075 Maple Dr., N.E.

**DATE:** November 13, 2014

The applicant requests to rezone from the SPI-9 (Special Public Interest District -Subarea 3) to the SPI-9 (Special Public Interest District -Subarea 3) for a change of conditions, property located at 514, 516, 520 and 526 East Paces Ferry Road, N.E. and 3081 and 3075 Maple Dr., N.E.

The applicant has requested deferral to allow for additional time for the applicant team to work with the neighborhood and NPU prior to the Zoning Review Board hearing.

**STAFF RECOMMENDATION: 30-DAY DEFERRAL- DECEMBER 2014**

cc:




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MAYOR

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DIRECTOR  
Office of Planning

**MEMORANDUM**  
*amended*

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** Z-14-61 for 1099 North Avenue and 579 (rear) North Highland, N.E.

**DATE:** November 13, 2014

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The applicant requests to rezone property from the **R-4 (Single Family Residential)** district to **the MRC-3 (Multi Residential Commercial-Sector 3)** district for the development of seventeen (17) townhomes.

**FINDINGS OF FACT:**

The applicant has requested a 60 day deferral to allow time to revise the site plan and continue discussing the proposal with the impacted neighborhood. Staff is supportive of the deferral request.

**STAFF RECOMMENDATION: 60-DAYDEFERRAL-JANUARY 2015**



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CHARLETTA WILSON JACKS  
DIRECTOR

### MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: **Z-14-26 for Text Amendment: Defining terms for electric vehicle chargers and regulating the installation of electric vehicle charging stations**

DATE: November 13, 2014

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**AN ORDINANCE BY ZONING COMMITTEE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA GEORGIA FOR THE PURPOSE OF DEFINING CERTAIN TERMS RELATING THE CHARGING OF ELECTRIC VEHICLES AND ALTERNATIVE FUEL STATIONS; SETTING FORTH REGULATIONS CONCERNING THE INSTALLATION AND USE OF CHARGING STATIONS FOR ELECTRIC VEHICLES; AND FOR OTHER PURPOSES.**

#### **FINDINGS OF FACT:**

Currently the City of Atlanta does not have regulations and definitions specific to Electric Vehicle Chargers. Amending Chapter 16 zoning district regulations for the development of an electric vehicle charging infrastructure would allow for electric vehicle chargers as an accessory use and define terms of three different variation of charging stations.

**Property Location:** Since no specific electric vehicle charging stations are being proposed, these considerations are not applicable. However, these regulations would only apply to properties located within zoning districts where these gardens would be permitted.

**Property Size and Physical Features:** There would be no predictable effect on public facilities and services since electric vehicle chargers would not require changes to infrastructure. Furthermore, no actual electric vehicle charging stations are being proposed with the adoption of these regulations

- **CDP Land Use Plan Designation:** Since no development projects are being proposed, these considerations are not applicable. There are no proposals to change the CPD land use designations.
- **Current/Past Use of Properties:** Since no actual electric vehicle charging stations are being proposed, these considerations are not applicable.
- **Surrounding Zoning and Land Uses:** Since no actual electric vehicle charging stations are being proposed, these considerations are not applicable.
- **Transportation System:** Since no actual electric vehicle charging stations are being proposed, these considerations are not applicable.

The proposed changes can be summarized as follows:

1. Add definitions relating to electric vehicles and charging infrastructure terms.
2. Amend Zoning District Regulations to include electric vehicle charging stations (i.e., parking equipped with level-1 and level-2 EVSE) as a permitted accessory use and structure in all zoning districts.
3. Amend Zoning District Regulations to include electric vehicle charging stations equipped with DC Fast Charge EVSE as a permitted accessory use and structure in the following zoning districts: Commercial; Industrial; SPI -11, -15, -16, -18, -20; PD-MU, -OC, and -BP; Martin Luther King, Jr. Landmark; Neighborhood Commercial; Live Work; and Mixed Residential Commercial.
4. Amend Zoning District Regulations to include electric vehicle battery exchange stations (termed as “battery exchange stations”) as a permitted principal use and structure in the following zoning districts: Commercial; Industrial; SPI-11 – 12, -15, -16, -18, -20; Martin Luther King, Jr. Landmark; Neighborhood Commercial; and Mixed Residential Commercial. The battery exchange stations were limited to zoning districts where automobile service stations are a permitted principal use and structure.
5. Create an incentive program for electric vehicle parking and charging stations where off-street parking is required. The incentive program allows each electric vehicle charging station as defined in the proposed ordinance to be counted as a parking space and further reduces the minimum parking requirement by one additional space. The incentive program would apply in all zoning districts and would be capped at no more than 10 percent reduction of minimum parking requirements. *This incentive will focus property owners to accommodate the growing number of plug in electric vehicles being deployed in the City of Atlanta.*
6. Add General Design standards and criteria related to electric vehicle parking and charging stations in parking facilities. The design standards provide details on location of EVSE

installation, criteria for EVSE installation, wayfinding signs, and example of signage to be used. *Standardization of electric vehicle parking and charging signage is important for public education. The general public is just learning about this new technology so consistency is important.*

## CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:**  
The Staff find that this does not apply as there is no specific property or properties associated with this text amendment
- (2) **Availability of and effect of public facilities and services; referral to other agencies:**  
The Staff find that this does not apply as there is no specific property or properties associated with this text amendment
- (3) **Availability of other land suitable for proposed use; effect on balance of land uses with regard to the public need (optional consideration as per 16-27.004(3)):** Staff notes that land suitability is not applicable in regard to the proposed legislation as it would have no adverse affect on the balance of land uses within the City.
- (4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed legislation to amend the City of Atlanta Zoning Ordinance would likely have no effect on the character of the City's neighborhoods.
- (5) **Suitability of proposed land use:** The proposed text amendments to the City of Atlanta Zoning Ordinance will not change the underlying land use of any property and thus Staff notes that it is not applicable.
- (6) **Effect on adjacent property:** The Staff find that this does not apply as there is no specific property or properties associated with this text amendment.
- (7) **Economic use of current zoning:** The Staff find that this does not apply as there is no specific property or properties associated with this text amendment.
- (8) **Tree Preservation:** All future development within the City requiring a building permit will have to comply with the provisions of the tree preservation ordinance. The proposed legislation will not affect these requirements.
- (9) **Other Considerations:** None.

**STAFF RECOMMENDATION: APPROVAL.**



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CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** U-14-22 for 3850 Roswell Road, N.E.

**DATE:** November 13, 2014

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The applicant seeks a Special Use Permit pursuant to Section 16-11.005 (1) (l) for outdoor dining and eating and drinking establishments when any part of such use is located within 1,000 feet of property zoned as R-1 through R5, or that is used as a residential property.

#### FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 511 feet on the west side of Roswell Road at the southern intersection of Roswell Road and LeBrun Road. It is located in the East Chastain Park of NPU B in Council District 8.
- **Property size and physical features:** The subject property with 6.1 acres and 511 feet of frontage is developed as a shopping development that contains a mixture of tenants. Vehicles may access the property from Roswell Road and LeBrun Road. Topography is relatively level and there are several mature trees located to the rear of the site.
- **Current/past use of property:** The site was developed as a shopping center in the 1960s and has continued to operate as such. Staff is unaware of any past uses of the property.
- **Surrounding zoning/land uses:** The subject property is surrounded by a mixture of uses and zoning and is immediately adjacent to properties that are zoned the following: C-1 (Community Business) to the east, R-3 (Single Family Residential) to the west and south, and RG-5 (Residential General Sector 5) to the north.
- **Transportation system:** Roswell Road is a collector street that is serviced by MARTA.



**PROPOSAL:**

The applicant seeks a Special Use Permit for a new 1,636 square foot outdoor dining patio which will accommodate the new restaurant that will be located in an existing 6,761 square foot building.

- **Ingress and egress:** Ingress and egress to the subject property is provided by existing driveways located off Roswell Road and LeBrun Road.
- **Parking and loading:** Currently there are a total of 286 parking spaces for the entire development. Employees, visitors, service and emergency personnel will enter through the driveways located off Roswell Road and LeBrun Road and will utilize the existing parking area. On-site loading/unloading will occur in various locations throughout the site and are clearly delineated on the submitted site plan.
- **Refuse and service areas:** The shopping center currently utilizes the City of Atlanta for the removal refuse and garbage. The applicant has proposed to continue utilizing the aforementioned method. Refuse will be picked up multiple times a week from the existing dumpsters located adjacent to the development.
- **Buffering and screening:** The site currently is being buffered along the rear and portions of the north property line by several mature trees and dense vegetation. The applicant has not proposed to alter the current methods of buffering and existing lighting.
- **Hours and manner of operation:** The applicant has indicated the hours and manner of operation will be compatible with the existing restaurants located onsite and nearby the subject property. The proposed restaurant will provide service six – seven days a week. The actual hours of operation as well as the number of employees are not available as a tenant has not been secured as of this writing. For patrons dining in the applicant has proposed to have an outdoor dining area. The restaurant's clientele will be patrons from the surrounding neighborhoods, families and young adults.
- **Duration:** Applicant requests that the use permit be allowed indefinitely with no expiration date.
- **Required yards and open space:** The development appears to meet the minimum yards. The outdoor dining does not encroach into the front yard setback. There are no open space requirements for non-residential uses.
- **Tree Preservation and Replacement:** No trees will be impacted or removed from the property.

## CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Based on the site plan submitted by the applicant and an on-site review conducted by staff there appears to be adequate access to the property via the driveways located off Roswell Road and LeBrun Road. Furthermore, emergency vehicles will enter the property through the same curb cuts and driveways along Roswell Road and LeBrun Road. Therefore, Staff is of the opinion that the existing ingress and egress is sufficient to ensure automotive and pedestrian safety and will not create traffic congestion.
- b) **Off-street parking and loading:** There is adequate room on site to accommodate off street parking. As aforementioned, the entire development has 286 onsite spaces. Employees and visitors may utilize the parking located onsite. Furthermore, service personnel may utilize the existing parking as well as the service drive located adjacent to and at the rear of the existing development. Therefore, Staff is of the opinion that the applicant has met the off-street parking and loading requirements.
- c) **Refuse and service areas:** The use of City of Atlanta Services for refuse pick-up appears to be adequate for the proposed restaurant.
- d) **Buffering and screening:** Staff is of the opinion that there is significant existing screening of the proposed restaurant due to the existence of several mature trees and the location of the proposed outdoor dining area.
- e) **Hours and manner of operation:** The applicant has not provided the hours of operation as a tenant has not been identified for the proposed restaurant. However, Staff is of the opinion that the hours of operation will be in accordance with surrounding neighborhood restaurants and will not have a negative impact on surrounding properties.
- f) **Duration:** The applicant requests that the use permit be approved for an indefinite period of time. Staff has no objection to this request.
- g) **Required yards and open space:** The property appears to comply with the required yards. There are no open space requirements for non-residential uses. No additions or expansions of the buildings are proposed.
- h) **Compatibility with policies related to tree preservation:** In its existing state, staff is of the opinion that the subject property is in compliance with the City's Tree Ordinance.

## STAFF RECOMMENDATION: APPROVAL, subject to the following condition:

1. No outdoor public address sound system.



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CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** U-14-23 for 2304 1<sup>st</sup> Avenue, N.E.

**DATE:** November 13, 2014

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The applicant seeks a **Special Use Permit (16-06.005)** to operate an Educational Garden (Community Center).

#### FINDINGS OF FACT:

- Property location: The subject property is located on the northeast side of First Ave beginning 95 feet from the northwest corner of Lakeview Dr. & First Ave. The property is located in Land Lot 205 of the 17<sup>th</sup> District, Fulton County, Georgia. It is located in the Kirkwood neighborhood of NPU-O in Council District 5.
- Property size and physical features: The subject property front 105 feet on the NE side of First Ave, and is approximately 26,360sf. The topography is relatively flat with natural vegetation and several large mature trees throughout the lot. There is a stream buffer along the west property line and a fence that serves as a buffer to the neighbor along the east property line.
- CDP land use map designation: Single Family Residential.
- Current/past use of property: Subject property is currently open space.
- Surrounding zoning/land uses: Property is surrounded by single-family zoning.
- Transportation system: The subject property is accessed via 1<sup>st</sup> avenue, a local residential street with low traffic flow.

## PROPOSAL:

The applicant, Wylde Center, seeks a Special Use Permit to operate an educational and community gathering space. The Wylde Center will host field trips at the site related to habitat, birds, stream ecosystems, native and invasive plants. It will feature the existing open space, a tree house, and educational pavilion, outdoor classroom, bird observation tree house, bog garden, and woodland trails.

- **Ingress and egress:** There will be no curb-cuts to gain entrance into and out of the property. Main parking is along the curb on the residential street. Most parking will be needed for one part-time employee and the center main visitors will be surrounding schools and community residents which will primary foot traffic.
- **Parking and loading:** Loading/unloading will take place at the curb area where one or two buses can safely park out the way of traffic.
- **Refuse and service areas:** The applicant will use City of Atlanta trash services for weekly scheduled trash collections. The residential containers will be used for regular trash, recycling. Paper bags will be used for yards trimmings when needed.
- **Buffering and screening:** The buffering and screening as proposed by the applicant appears to be suitable. The applicant has indicated that the lights and noise on the property will meet City of Atlanta standard noise ordinances. A tree buffer will be placed between the proposed educational facility and fence line of the adjoining home. This will allow for a noise and visual buffer.
- **Hours and manner of operation:** An educational and community gathering space. The Wylde Center will host field trips at the site related to habitat, birds, stream ecosystems, native and invasive plants. It will feature the existing open space, a tree house, and educational pavilion, outdoor classroom, bird observation tree house, bog garden, and woodland trails.
  - **Hours:** 8 hours, five days a week with the exception of the one Saturday a month (9-noon)
  - **Staff:** 1 part-time employee on-site five hours a week.
  - **Meals and Special Programs:**
  - **Meals:** Will not offer any meals.
- **Duration:** The applicant requests unlimited duration for the Special Use Permit. The Wylde Center would like this to be considered as a green space, to operate for the community as a place to enjoy nature.
- **Required yards and open space:** The applicant has indicated that the new construction will comply with required yards and open spaces.
- **Tree Preservation and replacement:** The applicant intends to preserve the existing trees on the property. The applicant has indicated that they plan to incorporate exists trees into design and layout of the garden. Applicant will comply with the City of Atlanta Tree Ordinance requirements pertaining to any tree removal and replanting. Tree replacement will be coordinated with the City Arborist.

## CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Access to the property as shown on the proposed site plan appears to be sufficient.
- b) **Off-street parking and loading:** The on-site parking and loading appears to be sufficient, with using the curb in front of the property to allow parking for a maximum of two buses at a time.
- c) **Refuse and service areas:** The refuse and service areas as proposed by the applicant appear to be sufficient.
- d) **Buffering and screening:** Staff finds screening and buffering to adjacent neighbor on the eastside of the property line sufficient. Given that there is a fence present and the applicant intends to add additional buffering with trees along the property line.
- e) **Hours and manner of operation:** The hours and manner of operation as proposed by the applicant, appear to be sufficient.
- f) **Duration:** Staff is in support of an unlimited permit duration.
- g) **Compatibility with policies related to tree preservation:** The applicant has indicated that all requirements of the City of Atlanta Tree Ordinance will be met.
- h) **Required yards and open space:** Staff is in support based off site plan.
- i) **Other considerations:** This special use permit will reinforce urban forestry within city limits and serve as a green space for residence in the area. Also as an educational site to inform the local community about habitat, birds, stream ecosystems, and natural plants.

## STAFF RECOMMENDATION:      APPROVAL WITH CONDITIONS

- 1) **Site Plan** The property shall be redeveloped in accordance with the conceptual Site Plan prepared by Hooten Land Design, Inc. dated June 23, 2014 and stamped received by the Office of Planning September 03, 2014.



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MAYOR

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** U-14-24 for 1503 Hardee Street NE

**DATE:** November 13, 2014

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The applicant seeks a Special Use Permit (SUP) for a Community Education Garden and Center for property located at 1503 Hardee Street NE.

#### FINDINGS OF FACT:

- **Property location:** The subject property is fronts approximately 150 feet on the east side of Mayson Avenue at the northwest corner of Hardee Street and Mayson Avenue in the Edgewood Neighborhood of NPU-O, Council District 5. The lot is located in land lot 207 of the 15<sup>th</sup> District, Fulton County, Georgia.
- **Property Size and Physical Features:** The subject area is approximately 0.4139 acres and is relatively flat. A tree house, central pergola, chicken coop, plant beds, and tool storage shed are located on the lot. The ground is mostly unpaved with the exception of some brick pavers leading to the pergola and an area for a driveway.
- **CDP Land Use Plan Designation:** The current land use designation is Single Family Residential (SFR). A CDP land use designation is not required to change the zoning to allow for the proposed community education garden and center.
- **Current/past use of properties:** The area has historically been primarily residential in character. A special use permit for a private park was approved in April 2013 via case U-13-004. The previous case proposed to use the property as a park with raised beds for community gardening. The properties are owned by the Mayson Avenue Cooperative, LLC.

- **Surrounding Zoning and Land Uses:** Surrounding zoning includes R-5, MR-3-C, C-1, RG-3-C, and R-4A. Surrounding land uses include Low Density Residential and Medium Density Residential to the north and Single Family Residential to the east, west, and south. Multi-family residential units are located north of the subject properties.
- **Transportation System:** Hardee Street is classified as a local road and is in close proximity to Hosea L. Williams Drive to the south and DeKalb Avenue to the north. Interstate 20 is within a five-minute drive from the subject property. Additionally, the area is serviced by several MARTA bus stops, and Edgewood-Candler Park station is less than a mile away.

## **PROPOSAL:**

The applicant proposes to construct the Edgewood Community Learning Garden, which includes an existing education garden and learning center, to be built at a future date. It is anticipated that the most of the visitors to the Learning Garden will live in walking distance.

This application is for the second phase initially proposed in U-13-004 for a community center.

- **Ingress and egress:** Entrance to the garden is accessible by foot at the intersection of Mayson Avenue and Hardee Street. There is one driveway in the southwest corner of the lot, but it does not allow vehicular circulation throughout the property.
- **Off-street parking and loading:** Parking is available for one employee and it is anticipated that any deliveries will be brought on site by the employee or by accessing the site from the driveway.
- **Refuse and service areas:** A trash enclosure is located on the southern portion of the lot. Residential refuse containers will be used for garbage and recycling.
- **Buffering and screening:** The property is surrounded by a wooden fence and a chain link fence that bounds the east side of the property. The Learning Garden will follow the City of Atlanta's noise ordinance in regards to amplified noise.
- **Hours and manner of operation:** The community learning facility will be open from 9 a.m. to 5 p.m. Monday through Friday and on weekends during a planned class or special event. The education garden will be open during daylight hours seven days a week.
- **Duration:** The applicant has requested that the duration of the Special Use Permit be for an unlimited time.
- **Required yards and open space:** The proposed additions do not interfere with any required yards or open space.
- **Tree preservation and replacement:** The construction of the community learning center will require the removal of three trees. The applicant proposes to replace the caliper of the removed trees or pay into the tree bank.

**STAFF RECOMMENDATION: APPROVAL CONDITIONAL as follows:**

1. inal design and site plan to be approved by the Director of the Office of Planning.

**F**





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CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** U-14-25 for 667 Fairburn Road, S.W.

**DATE:** November 13, 2014

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The applicant seeks a Special Use Permit (16-06.005(1)(l)) for a Private School to operate in an existing building located at 667 Fairburn Road, S.W.

#### FINDINGS OF FACT:

- **Property location:** The subject property fronts 150 feet south of the intersection of Fairburn Road and Mark Place. The property is located in the Fairburn Heights Neighborhood of NPU H and Council District 10.
- **Property size and physical features:** The subject property is a 2.634 acre site that is developed with several single and double story buildings. Ingress and Egress I provided via two driveways located off of Fairburn Road which provide access to a parking area located on the west and east side of the subject property. Topography varies throughout and there are several mature trees and shrubbery located throughout the subject property.
- **Current/past use of property:** The subject property is currently being utilized as a youth home. Staff is unaware of any previous uses.
- **Surrounding zoning/land uses:** The subject property is immediately adjacent to properties that are zoned R-4 (Single Family Residential).
- **Transportation system:** Fairburn Road is a Collector Street that is serviced by MARTA.

## PROPOSAL:

The applicant is requesting a Special Use Permit for the “Imhotep Academy” private school to operate in an existing building located within the campus of the Carrie Steele-Pitts youth home campus.

- a) **Ingress and egress:** Ingress and egress to the drop off and parking area is provided via the eastern curb cut located off of Fairburn Road. Clients may also access the facility utilizing the western curb cut.
- b) **Parking and loading:** The applicant has indicated that visitors, employees and service personnel will have access to the eastern parking area via an existing curb cut. The loading area is currently located behind the existing building and can be accessed in the same manner as aforementioned. Service personnel will also utilize the existing driveway and existing parking to access the site.
- c) **Refuse and service areas:** The applicant has proposed to utilize private disposal services for refuse generated by the operation of the facility. Refuse will be picked up bi-weekly from the loading area behind the existing building.
- d) **Buffering and screening:** A natural tree buffer currently exists along the perimeter of the property.
- e) **Hours and manner of operation:** The applicant will operate a Private School for grades K-8 Monday – Friday from 6:00 am – 6:00 pm. Approximately 20-25 staff members will be employed at the facility during school hours. The applicant has indicated that facility will provide educational services to approximately 250-300 students between the ages of 4-13 years. Additionally, each client (parent) is responsible for providing breakfast however, the facility will provide lunch and snacks for the students. The facility will also offer the following but not limited to: holiday socials, award presentations, school productions and conferences.
- f) **Duration:** An indefinite duration has been requested by the applicant.
- g) **Required yards and open space:** The applicant has indicated that the required yards and open spaces will be met.
- h) **Tree Preservation and Replacement:** In the event that trees are removed on the subject property, the applicant has indicated that the City Arborist will be consulted.

## CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Based on the site plan submitted by the applicant and an on-site review conducted by staff there appears to be adequate access to the property via the driveways located off of Fairburn Road. Additionally, the existing driveways and parking will allow visitors, employees, deliveries and emergency personnel to access the site without impeding

pedestrian safety, traffic flow or emergency access. Therefore, Staff is of the opinion that the proposed Ingress and Egress is sufficient.

- b) **Off-street parking and loading:** There is adequate room on site to accommodate off street parking. The applicant has proposed to utilize the existing parking area which contains 63 parking spaces to accommodate its parking requirement. Furthermore, the facility will continue to utilize the existing loading area located behind the existing building. Therefore, Staff is of the opinion that the applicant has met the off-street parking and loading requirements.
- c) **Refuse and service areas:** Use of a private company should be sufficient.
- d) **Buffering and screening:** Staff is of the opinion that the existing method of buffering and screening is adequate. The subject property is surrounded by a mature tree buffer and has operated as a youth home for several years. Therefore, Staff is of the opinion that the existing method of buffering and screening is sufficient.
- e) **Hours and manner of operation:** The applicant has proposed to operate a Private School between the hours of 6:00 am – 6:00 pm. Staff notes that the Carrie Steele-Pitts home has operated in this community/neighborhood for several years providing shelter and educational services to the youth of Atlanta. The children attending the Imhotep Academy will be engaged in the community and will have a comprehensive and structured learning program. Therefore, Staff is of the opinion that the proposed hours and manner of operation are reasonable and the proposed day school appears to be suitable for the proposed location.
- f) **Duration:** Staff is supportive of an infinite duration as long as Imhotep Academy is the operator.
- g) **Compatibility with policies related to tree preservation:** The applicant states all policies relating to tree preservation will be met.
- h) **Required yards and open space:** Required yards and open space shall be met.

**STAFF RECOMMENDATION: APPROVAL** conditioned on the following:

1. The special use permit for a Private School shall be valid only as long as Imhotep Academy is the operator.



## CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
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KASIM REED  
MAYOR

JAMES SHELBY  
Commissioner

CHARLETTA WILSON JACKS  
Director  
Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** Z-14-37 for 658 & 690 Lindbergh Drive

**DATE:** November 13, 2014

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An Ordinance to rezone from the SPI 15, Subarea 8 to the SPI 15 Subarea 3, property located at 690 AND 658 LINDBERGH DRIVE, N.E.

The applicant needs additional time to work with the neighborhood and City Planning staff, which would require a deferral.

**STAFF RECOMMENDATION:** 30-DAY DEFERRAL-DECEMBER 2014



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KASIM REED  
MAYOR

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director 

**SUBJECT:** Z-14-42 for 3537, 3541, 3545, 3549, 3555 Roxboro Road NE

**DATE:** November 13, 2014

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The applicant seeks a rezoning of the property, from **R-3** to **MR-3**, in view of a new development composed of 21-unit townhouse for the property located at **3537, 3541, 3545, 3549, 3555 Roxboro Road NE**

In order to allow the applicant for additional time to further negotiate with the neighborhood, the Staff has recommended a 30 days deferral, before disposition on the rezoning request.

**STAFF RECOMMENDATION: 30 DAY DEFERRAL – DECEMBER, 2014**



KASIM REED  
MAYOR

**CITY OF ATLANTA**  
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CHARLETTA WILSON JACKS  
DIRECTOR  
Office of Planning

**MEMORANDUM**

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Director

**SUBJECT:** Z-14-25 for 1767 and 1777 Marietta Road, N.W.

**DATE:** November 13, 2014 (Deferred September 8, 2014)

An Ordinance to rezone from the **R-4A (Single Family) district** and to the **RG-2 (Residential General-Sector 2) district** for the development of 21 townhomes.

**FINDINGS OF FACT:**

- property location: The subject property fronts approximately 263 feet on the north side of Marietta Road at the northeast intersection of Marietta Road and Alma Street in the Hills Park neighborhood of NPU-D, Council District 9. The site also has 86 feet of frontage on Alma Street and frontage on Old Marietta Road which is closed and was the previous access to the adjacent cemetery, Crestlawn Memorial Park.
- property size and physical features: The subject property consists of 2.23 acres and is developed with two one-story residential structures and two small sheds. The topography slopes up from Marietta Road and Alma Street to a ridge point midway in the property where it begins to slope down toward the rear property. Large mature trees are found throughout the site.
- CDP land use map designation: The subject property is designated as Single Family Residential land use.
- current/past use of property: To Staff's knowledge the property has always been used for residential purposes.
- surrounding zoning/land uses: Property adjacent on the east side of the property is zoned R-4A (Single Family Residential) with a land use designation of Single Family Residential. Property adjacent on the north and west is zoned R-5 (Two Family Residential) with a land use of Open Space and is the location of a cemetery, Crestlawn Memorial Park. Property directly across Marietta Road is zoned RG-2-C (Residential General-sector 2-Conditional) and has a land use designation of Low Density Residential.

- transportation system: Marietta Road is classified as a collector and all other streets in the area are local streets. MARTA bus routes do not serve the local area and some sidewalks are found in the area.

## PROPOSAL

The applicant proposes to rezone the property to enable the development of 21 townhomes. The development would have one point for ingress and egress that would align with Ellen Street across Marietta Road.

FAR	Permitted 0.348	Proposed 0.347	Gross lot area
Useable Open Space	Required 0.45	Proposed 0.657	Gross lot area
Parking residential	Required 1.3 per unit 28 spaces	Proposed 2 per unit 42 spaces	

When property zoned MR is adjacent to property zoned R-5 or R-4A a transitional yard of 20 feet is required but may be reduced to 10 feet for alley access (16-25.009 a). The site plan filed with the application does not meet the required transitional setback therefore either a variance to reduce the transitional yard requirement will need to be applied for the site plan revised to meet this requirement.

Additional details of the site plan will be covered during the Special Administrative Permit process.

## CONCLUSIONS:

### (1) Compatibility with comprehensive development plan (CDP); timing of development:

The comprehensive development plan designates the subject site as Single Family Residential therefore an amendment to the 15-year land use map would be required to facilitate this proposal as the requested zoning district of MR-2 is not compatible with the Single Family Residential designation.

There are no public projects or programs with which the timing of the project would conflict.

### (2) Availability of and effect of public facilities and services; referral to other agencies:

Since the area has been a long established neighborhood, water and sewage facilities serving the property are assumed to be adequate for the proposed development.

The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

### (3) Availability of other land suitable for proposed use; environmental effect on balance of land uses:

The zoning regulations indicate that this consideration is optional. There are limited sites available for this type of infill development in this area of the City. The area is developed with a mix of residential uses and the proposed residential townhomes should not negatively impact the balance of land uses in the area.

### (4) Effect on character of the neighborhood:

The development as proposed should not have a negative

effect of the character of the neighborhood. The subject property is across Marietta Road from similar zoning and the proposal would increase the choice of housing types in the area.

- (5) **Suitability of proposed land use:** A land use of Low Density Residential would be appropriate.
- (6) **Effect on adjacent property:** The construction of 21 townhomes at this site should have a positive effect on adjacent property by providing the area with new housing opportunities.
- (7) **Economic use of current zoning:** Although the existing zoning has some economic use the proposed use would be a better use of the land and complement other developments in the area.
- (8) **Tree Preservation:** The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.

**STAFF RECOMMENDATION: APPROVAL condition upon the following:**

1. A site plan similar to one dated 04/28/14 entitled "Bingham Park" by Adam & Lee Land Surveying marked received by the Office of Planning September 23, 2014.